

Guidance for Use of Navy Partnership Intermediary Agreement (PIA)

Statutory Authority and Purpose

The statutory authority for use of partnership intermediaries is Title 15 U.S.C., Section 3715. The Department of Navy (DoN) defines a Partnership Intermediary Agreement (PIA) as a *contract or memorandum of understanding* between a Federal laboratory and an entity known as a partnership intermediary. The PIA provides for the partnership intermediary to perform services for the Federal laboratory that increase the likelihood of success in the conduct of cooperative or joint activities with small business firms, institutions of higher education, or educational institutions.

Appropriate Partnership Intermediary Organizations

Title 15 U.S.C., Section 3715 (c) defines a “partnership intermediary” in terms of the *organization’s structure and function*.

The *organization’s structure* must be

- an agency of a State or local government, or
- a nonprofit entity owned in whole or in part by, chartered by, funded in whole or in part by, or operated in whole or in part by or on behalf of a State or local government.

The *organization’s function* must be to assist, counsel, advise, evaluate, or otherwise cooperate with small business firms, institutions of higher education as defined in Section 201(a) of the Higher Education Act of 1965 (Title 20 U.S.C., Section 1141(a)), or educational institutions within the meaning of Section 2194 of Title 10, United States Code.

Policy and Delegation

Title 15 U.S.C., Section 3715 provides that the Director of a Federal laboratory, or in the case of a federally funded research and development center that is not a laboratory (as defined in Section 3710), a Federal employee who is the contract officer, may enter into a PIA, subject to the approval of the Secretary of the agency.

DoD Instruction 5535.8, DoD Technology Transfer (T2) Program of 14 May 1999, encourages use of partnership intermediaries and delegation of authority for their use.

The Secretary of the Navy, by Reference (b), delegated authority to enter into PIAs to the Chief of Naval Research (CNR). Reference (b) permits the CNR to transfer this authority to the heads of the DoN laboratories. This transfer is anticipated to occur once the DoN has developed

sufficient expertise in the use of PIAs. Requests to sign individual PIAs must be forwarded to ONR in accordance with the procedures provided in Enclosure (1).

Navy Model Agreement

The DoN provides a model PIA (Enclosure (2)). This model Agreement has been developed specifically to conform to legislative and policy regulations and serves as the memorandum of understanding referenced in Title 15 U.S.C., Section 3715. It is not a procurement contract for services. The model Agreement is available on the ONR website:

http://www.onr.navy.mil/sci_tech/industrial/tech_tran/res_docs.htm

Funding Options

Under a PIA, the DoN laboratory and/or technical activity may, but is not required to, pay the Federal costs of the PIA out of funds available for the support of its technology transfer function. An appropriate, separate instrument for funding will have to be executed if money is being transferred.

The DoN may not receive funds under a PIA.

Legal Review

Legal review is obtained at the laboratory to ensure compliance with the laboratory mission, statutes, regulations, instructions and executive directives. If the model PIA is changed, the modification is noted and a written explanation of its necessity is reviewed by local legal counsel and is included with the Agreement when it is forwarded to ONR.

Signature Process

Prior to signature of a PIA, the laboratory commanding officer submits a written memorandum to ONR requesting signature authority. The memorandum includes the following attachments:

- a copy of the PIA;
- a copy of the laboratory legal review including justification of any modifications to the model PIA.

The memorandum and attachments should be mailed to:

Office of Naval Research
Attn: Ms. Dottie Vincent, Code 362
Industrial and Corporate Programs Office
800 North Quincy Street, Room 526
Arlington, VA 22217-5660

An e-mail response from ONR will be sent to the laboratory point of contact acknowledging receipt of the request. Signature authority should be granted within thirty (30) days following the ONR acknowledgement.

The PIA signature authority is granted to the laboratory commanding officer on receipt of an approval memorandum from the CNR.

After approval from CNR, the PIA must be signed by the partnership intermediary and the commanding officer of the laboratory. If the activity is a federally funded research and development center, the Federal employee who is the contract officer must sign the PIA.

Naval laboratory technology transfer personnel may solicit advice and consultation on any PIA issues, at any time. Please direct inquiries to Ms. Dottie Vincent at 703-696-4792 or e-mail at vincentd@onr.navy.mil.

Actions after Signature

A hardcopy and an electronic copy of the signed PIA, along with any other supporting documents, should be forwarded to ONR at the address cited above.

The manager of the Office of Research and Technology Applications (ORTA) at each laboratory is to enter information on the PIA into the DTTIS database. The ORTA manager is also to include information on PIAs in the annual technology transfer business plan submitted to ONR and Department of Defense.

Through use of the DTTIS database, ONR will maintain a record of the activities carried out pursuant to each PIA sufficient to support discussion and evaluation of the PIA in terms of their stimulation of productivity, technology and innovation. The information will be included in the triennial report by the Secretary of Commerce to Congress.